

# **Exhibit 48**

*Redacted Public Version*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

---oOo---

NIKE, INC., )  
)  
Plaintiff, )  
)  
vs. ) No. 1:22-cv-00983-VEC  
)  
STOCKX LLC, )  
)  
Defendant. )  
\_\_\_\_\_ )

H I G H L Y C O N F I D E N T I A L  
OUTSIDE ATTORNEYS' EYES ONLY  
VIDEOTAPED DEPOSITION OF JOHN LOPEZ  
SAN FRANCISCO, CALIFORNIA  
THURSDAY, FEBRUARY 23, 2023

STENOGRAPHICALLY REPORTED BY:  
ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~  
CSR LICENSE NO. 9830  
JOB NO. 5688745

<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF NEW YORK 3 ---oOo--- 4 5 NIKE, INC., ) 6 ) 7 Plaintiff, ) 8 vs. ) No. 1:22-cv-00983-VEC 9 STOCKX LLC, ) 10 ) 11 Defendant. ) 12 _____) 13 14 Videotaped Deposition of John Lopez, taken 15 on behalf of the Plaintiff, Pursuant to Notice, on 16 Thursday, February 23, 2023, beginning at 17 9:27 a.m., and ending at 6:55 p.m., before me, 18 ANDREA M. IGNACIO, CSR, RPR, CCRR, CRR, CLR ~ 19 License No. 9830. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X 2 3 WITNESS: John Lopez 4 5 EXAMINATION PAGE 6 BY MR. MILLER 9 7 BY MR. FORD 296 8 9 E X H I B I T S 10 EXHIBIT PAGE 11 Exhibit 1 Plaintiff Nike, Inc.'s Amended 48 12 Notice of Deposition of John Lopez 13 Exhibit 2 Defendant's Objections and 48 14 Responses to Plaintiff's Second 15 Set of Interrogatories 16 Exhibit 3 Seasonal Authenticator at StockX 59 17 Exhibit 4 Authenticator at StockX 60 18 West Caldwell, NJ 19 Exhibit 5 Team Leader, Authentication and 60 20 Quality Assurance at StockX 21 Exhibit 6 Page Vault, Bates NIKE0006785 - 90 22 '89 23 Exhibit 7 Job Descriptions Sneaker 115 24 Authenticator I, II, III, Bates 25 STX0114754 - '57</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S: 2 3 FOR THE PLAINTIFF: 4 DLA PIPER 5 By: MARC E. MILLER, Esq. 6 GABRIELLE VELKES 7 1251 Avenue of the Americas, 27th Floor 8 New York, New York 10020 9 212.335.4500 10 marc.miller@us.dlapiper.com 11 12 FOR THE DEFENDANTS: 13 By: CHRISTOPHER S. FORD, Esq. 14 MAI-LEE PICARD, Esq. 15 650 California Street 16 San Francisco, California 94108 17 415.738.5705 18 csford@debevoise.com 19 20 ALSO PRESENT: Peter Yaroschuk, Videographer 21 Kevin Adams, StockX LLC 22 ---oOo--- 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 E X H I B I T S 2 EXHIBIT PAGE 3 Exhibit 8 Sneaker Authentication Standard 132 4 Operating Procedure, Bates 5 STX0752605 - '42 6 Exhibit 9 Planet Nike Deck, Bates 179 7 STX02033509 - '673 8 Exhibit 10 Nike Dunk Low Retro White Black 197 9 (2021), Bates STX0069511 - '24 10 Exhibit 11 Jordan 1 High OG SP Fragment 204 11 design x Travis Scott, Bates 12 STX0058653 - '69 13 Exhibit 12 Nike SB Dunk Low What The 204 14 Paul - Fake Comparison, Bates 15 STX0058670 - '93 16 Exhibit 13 12-18-20 Email Re: Auth App 209 17 Updates/Grateful Dead SB Breakdown 18 Bates STX0106086 - '87 19 Exhibit 14 10-18-21 Email Re: Weekly 216 20 Sneaker Product Update - 10/18 21 Bates STX0106315 - '16 22 Exhibit 15 2-1-22 - 3-1-22 Short Message 224 23 Report, Bates STX0076158 - '71 24 Exhibit 16 Authentication Project 240 25 Metrics/Data, Bates STX0018010 - '14</p>

<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS</p> <p>2 EXHIBIT PAGE</p> <p>3 Exhibit 17 3-22-21 - 3-28-21 Outline of 250</p> <p>4 Conversations, Bates STX0545514</p> <p>5 - '30</p> <p>6 Exhibit 18 Authentication Failure Comms 265</p> <p>7 Policy, Bates STX0169271 - '72</p> <p>8 Exhibit 19 1-4-22 Email, Subject: Fake - 271</p> <p>9 return, ref for John to look</p> <p>10 into seller and checker, Bates</p> <p>11 ZK_NIKE_010019 - '29</p> <p>12 Exhibit 20 1-5-22 Email Re: Fake - return, 271</p> <p>13 ref for John to look into seller</p> <p>14 and checker, Bates ZK_NIKE_010032</p> <p>15 Exhibit 21 3-31-22 Email Re: Lots warning 277</p> <p>16 signs, Bates ZK_NIKE_010404 - '24</p> <p>17 Exhibit 22 3-31-22 Email Re: Lots warning 277</p> <p>18 signs, Bates ZK_NIKE_010428 - '29</p> <p>19 Exhibit 23 12-18-20 Email Re: ? Bates 277</p> <p>20 ZK_NIKE_007765 - '75</p> <p>21 Exhibit 24 12-22-20 Email Re: ? Bates 277</p> <p>22 ZK_NIKE_007780 - '81</p> <p>23 Exhibit 25 8-2-22 Email Re: Instagram post 285</p> <p>24 Bates STX0772942 - '45</p> <p>25 ---oOo---</p>	<p style="text-align: right;">Page 8</p> <p>1 Street, Suite 2400, San Francisco, California 94105.</p> <p>2 My name is Peter Yaroschuk from the firm</p> <p>3 Veritext. I am the videographer.</p> <p>4 The court reporter is Andrea Ignacio from the</p> <p>5 firm Veritext.</p> <p>6 I am not related to any party in this action,</p> <p>7 nor am I financially interested in the outcome.</p> <p>8 Counsel and all present, please now state</p> <p>9 your appearances and affiliations for the record.</p> <p>10 If there are any objections to proceeding,</p> <p>11 please state them at the time of your appearance,</p> <p>12 beginning with the noticing attorney.</p> <p>13 MR. MILLER: Good morning. This is Marc</p> <p>14 Miller from DLA Piper, on behalf of Plaintiff Nike</p> <p>15 Inc.</p> <p>16 And I'm joined by Gabby Velkes, also of</p> <p>17 DLA Piper.</p> <p>18 MR. FORD: Christopher Ford, Debevoise &amp;</p> <p>19 Plimpton, on behalf of defendant StockX.</p> <p>20 With me are my colleague Mai-Lee Picard, and</p> <p>21 Kevin Adams with in-house counsel at StockX.</p> <p>22 THE VIDEOGRAPHER: Thank you.</p> <p>23 Will the court reporter please swear in the</p> <p>24 witness.</p> <p>25</p>
<p style="text-align: right;">Page 7</p> <p>1 DEPOSITION PROCEEDINGS</p> <p>2 THURSDAY, FEBRUARY 23, 2023</p> <p>3 ---oOo---</p> <p>4</p> <p>5</p> <p>6 THE VIDEOGRAPHER: Good morning. We are</p> <p>7 going on the record at 9:27 a.m. on February 23rd, 0</p> <p>8 2023.</p> <p>9 Please note that microphones are sensitive</p> <p>10 and may pick up whispering, private conversations, and</p> <p>11 cellular interference.</p> <p>12 Please turn off all cell phones or place them</p> <p>13 away from the microphones, as they can interfere with</p> <p>14 the deposition audio.</p> <p>15 Audio and video recording will continue to</p> <p>16 take place unless all parties agree to go off the</p> <p>17 record.</p> <p>18 This is Media 1 of the video-recorded</p> <p>19 deposition of John Lopez. Taken by counsel for</p> <p>20 Plaintiff.</p> <p>21 In the matter of Nike Incorporated versus</p> <p>22 StockX LLC. Filed in the United States District Court</p> <p>23 for the Southern District of New York. Case number is</p> <p>24 122-CV-00983 VEC.</p> <p>25 This deposition is being held at 555 Mission</p>	<p style="text-align: right;">Page 9</p> <p>1 JOHN LOPEZ,</p> <p>2 having been first duly sworn</p> <p>3 by the Certified Court Reporter,</p> <p>4 testified as follows:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MR. MILLER:</p> <p>8 Q Good morning, Mr. Lopez.</p> <p>9 A Good morning.</p> <p>10 Q My name is Marc Miller. I represent the</p> <p>11 plaintiff Nike in this case. Thank you for coming in.</p> <p>12 So I just want to go over a couple of ground</p> <p>13 rules that your counsel may have advised you of.</p> <p>14 First, let me ask you: Have you ever had</p> <p>15 your deposition taken before?</p> <p>16 A No, I have not.</p> <p>17 Q Okay. So our purpose here is for me to ask</p> <p>18 you some questions. You need to answer those</p> <p>19 questions to the best of your ability by telling the</p> <p>20 truth, the whole truth, and nothing but the truth, as</p> <p>21 you just took an oath to do.</p> <p>22 A Sure.</p> <p>23 Q If you don't hear a question that I've asked,</p> <p>24 please let me know, and I'll be happy to repeat it.</p> <p>25 If don't understand my question for some</p>

3 (Pages 6 - 9)

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8 Q What do you mean by "defect"?

9 A Defect is a broad term. But essentially,  
10 it's a manufacturing issue that is caught at the  
11 authentication process.

12 Q And can you be more specific by what you mean  
13 with "manufacturing issue"?

14     A   I don't know how else to put it.

15 Would you like some examples?

16 Q Sure.

17     A   An example would be a glue stain -- a  
18   noticeable glue stain on a sneaker. Poor aging or  
19   poor storage. So if one of our sellers leaves a shoe  
20   out in -- in -- in the sun or it gets yellow, that is  
21   something we deem as a defect or a non-passable  
22   defect, and so on and so forth.

23 Q Is that a manufacturing issue?

24 A In that example that I gave, no, that would  
25 not be.

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1 Q Okay. So other than a glue stain, what other  
2 manufacturing issue examples can you please provide?

3 A Another example would be a stitching defect,  
4 either a loose stitching or a missing stitching.

5 Other examples could be heavy creasing, either on a  
6 toebox or a heel, without the shoe being worn.

7 Q Any others?

8 A Nothing I can think of right now.

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

25 (Lunch break taken at 12:31 p.m.)

[illegible]

25 If you look at the top of the first page, you

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1 A I do not.

2 Q Do you know if that happens for every Nike  
3 shoe that's going to be released into the market?

4 MR. FORD: Objection to the form.

5 THE WITNESS: Can you rephrase that, please.

6 MR. MILLER: Q. Do you know how often  
7 sellers on StockX's platform will send pairs of Nike  
8 shoes before the release date on the Nike.com platform  
9 or sneakers app?

10 MR. FORD: Objection to form.

11 THE WITNESS: I don't know. I don't have an  
12 answer for the amount.

13 MR. MILLER: Q. Would you say it happens  
14 regularly?

15 A Define what you mean by "regularly."

16 Q If we're talking about ten releases of Nike  
17 shoes, ten different pairs, of those ten, how often  
18 will StockX receive product in its authentication  
19 centers before the Nike.com or sneakers app release  
20 date?

21 MR. FORD: Objection to the form.

22 THE WITNESS: Yeah, I would not be able to  
23 put an exact number on that.

24 MR. MILLER: Q. Would you be able to  
25 estimate?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<div>Page 134</div> <div>[REDACTED]</div>	<div>Page 136</div> <div>[REDACTED]</div>
<div>Page 135</div> <div>[REDACTED]</div>	<div>Page 137</div> <div>[REDACTED]</div>



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[illegible]

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Category	Percentage
1. [Redacted]	99%
2. [Redacted]	95%
3. [Redacted]	90%
4. [Redacted]	98%
5. [Redacted]	15%
6. [Redacted]	65%
7. [Redacted]	92%
8. [Redacted]	12%
9. [Redacted]	10%
10. [Redacted]	60%
11. [Redacted]	85%
12. [Redacted]	45%
13. [Redacted]	80%
14. [Redacted]	35%
15. [Redacted]	90%
16. [Redacted]	30%
17. [Redacted]	75%
18. [Redacted]	38%
19. [Redacted]	82%
20. [Redacted]	25%
21. [Redacted]	88%
22. [Redacted]	95%
23. [Redacted]	70%



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## 1 CERTIFICATE OF STENOGRAPHIC REPORTER

2

3 I, ANDREA M. IGNACIO, hereby certify that the  
 4 witness in the foregoing deposition was by me sworn to  
 5 tell the truth, the whole truth, and nothing but the  
 6 truth in the within-entitled cause;

7 That said deposition was taken in shorthand  
 8 by me, a disinterested person, at the time and place  
 9 therein stated, and that the testimony of the said  
 10 witness was thereafter reduced to typewriting, by  
 11 computer, under my direction and supervision;

12 That before completion of the deposition,  
 13 review of the transcript [x] was [ ] was not  
 14 requested. If requested, any changes made by the  
 15 deponent (and provided to the reporter) during the  
 16 period allowed are appended hereto.

17 I further certify that I am not of counsel or  
 18 attorney for either or any of the parties to the said  
 19 deposition, nor in any way interested in the event of  
 20 this cause, and that I am not related to any of the  
 21 parties thereto.

22 Dated: 2-27-23

23

24



25 ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830

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## 1 E R R A T A S H E E T

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3 PAGE\_\_\_\_ LINE\_\_\_\_ CHANGE\_\_\_\_\_

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5 REASON\_\_\_\_\_

6 PAGE\_\_\_\_ LINE\_\_\_\_ CHANGE\_\_\_\_\_

7 \_\_\_\_\_

8 REASON\_\_\_\_\_

9 PAGE\_\_\_\_ LINE\_\_\_\_ CHANGE\_\_\_\_\_

10 \_\_\_\_\_

11 REASON\_\_\_\_\_

12 PAGE\_\_\_\_ LINE\_\_\_\_ CHANGE\_\_\_\_\_

13 \_\_\_\_\_

14 REASON\_\_\_\_\_

15 PAGE\_\_\_\_ LINE\_\_\_\_ CHANGE\_\_\_\_\_

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17 REASON\_\_\_\_\_

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20 REASON\_\_\_\_\_

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22 John Lopez Date

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